

LEGAL NOTICE

and

Preliminary Determination for an Air Quality Permit for

C and E Concrete Inc

C and E Concrete Inc, PO Box 2547, Milan, NM has submitted an air quality permit application to the Air Quality Bureau (AQB), New Mexico Environment Department (NMED) for an air quality permit to modify the 600 TPH Portable Rock Crushing Facility - Tinaja Pit. The application file has been assigned Permit No. 0879M3 and TEMPO Agency Interest ID No. 1773. The exact location of the facility is latitude 35 deg, 2 min, 50.5511 sec and longitude -108 deg, 13 min, 1.8258 sec. To aid in locating this facility, the approximate location is 20 miles east of Ramah, New Mexico in Cibola County.

The proposed modifications will consist of the following:

1. Hours of operation
 - a. The aggregate processing plant operating hours will include all daylight hours, seven days per week;
 - b. Annual hours of operation of the plant engines/generator will increase from 2785 hours per year to 3700 hours per year
 - c. The hourly emission rate of nitrogen dioxides from the plant engines/generator will decrease 25%;
2. Revisions in recordkeeping
 - a. The requirement for determining hourly throughput will change to a daily average hourly throughput.
 - b. The daily average hourly throughput will be determined from the actual daily throughput as recorded by a weight belt located downstream from the plant feeders at the main aggregate crushing plant and the actual daily hours of operation.
3. Haul road truck traffic
 - a. Haul road operating hours will be excluded from the facility processing hours of operation as agreed upon by the Environment Secretary to dismiss a lawsuit file by C & E Concrete, Inc.

Total air pollutant emissions to the atmosphere are estimated to be approximately:

Nitrogen Oxides (NOx) at 78tons per year (tpy); Carbon Monoxide (CO) at 66 tpy; Volatile Organic Compounds (VOC) at 7.8 tpy; Sulfur Dioxide (SO₂) at 2.0 tpy; Total Suspended Particulate Matter (TSP) at 82 tpy, Particulate Matter 10 microns or less (PM10) at 33 tpy, and Particulate Matter 2.5 microns or less (PM2.5) at 8.3 tpy. These emission estimates could change slightly during the course of the Department's review of the application.

The NMED has conducted a preliminary review of the information submitted with the permit application. The preliminary review and applicant's analysis of ambient air quality impacts indicates that the facility's air emissions will meet the ambient air quality standards for Nitrogen Oxides (NOx); Carbon Monoxide (CO); Sulfur Dioxide (SO₂); Total Suspended Particulate Matter (TSP), Particulate Matter 10 microns or less (PM10), and Particulate Matter 2.5 microns or less. A full review will evaluate the estimated emission rates for the pollutants listed above and the air quality analysis to determine compliance with the associated ambient air standards and requirements.

Based on the applicant's analysis, a preliminary determination is that this facility will comply with the requirements of Title 20, New Mexico Administrative Code (NMAC), Chapter 2, Parts 3, 7, 61, 72, 73, 75, 77 and 82; 40 CFR 50; 40 CFR 60 Subparts OOO; 40 CFR 63 Subparts ZZZZ; and the New Mexico Air Quality Control Act. Therefore, the preliminary intent of NMED is to issue the air quality permit on or before January 13, 2012. This source is a minor source according to 20.2.74 NMAC, PSD.

To ensure compliance with state and federal air regulations, the permit is expected to include conditions that limit the emissions, limit the hours of operation to daylight hours only but exclude truck traffic, limits on production rates, and conditions that will require record keeping and reporting to the Department.

The permit application is available for review in electronic or hard copy at the Air Quality Bureau Office, 1301 Siler Road, Building B, Santa Fe, New Mexico. To arrange viewing of this application contact Teri Waldron, at 505-476-4355 or teri.waldron@state.nm.us. The permit application is also available at the NMED Grants Office, located at 1014 West High St., Ste A, Grants, NM 87020 for public review.

All interested persons have thirty (30) days from the date this notice is published, to notify the Department in writing of their interest in the permit application. The written comments should refer to the company name, site name and Permit No. (or send a copy of this notice along with your comments). The written comments shall state the nature of the issues raised and how it relates to the requirements of applicable state and federal air quality regulations and the Clean Air Act. The written comments should be mailed to Mary Gerhart, New Mexico Environment Dept., Air Quality Bureau, Permit Section, 1301 Siler Road, Building B, Santa Fe, New Mexico 87507-3113.

The Department will notify all persons, who have provided written comments, as to when and where the Department's analysis may be reviewed. Although all written comments will be made part of the public record, any person who does not express interest in writing prior to the end of this first thirty (30) day period will not receive such notification.

If the Department receives written public comment prior to the end of the Department's thirty (30) day public notice, the Department's analysis will be made available for review for thirty (30) days at the NMED district or field office nearest to the source before the permit will be issued. Written comments on the analysis or permit application may be submitted to the Department during this second thirty (30) day period or at any time before the permit is issued or denied.

Questions or comments not intended to be part of the public record can be directed to Mary Gerhart at 505-476-4344. General information about air quality and the permitting process can be found at the Air Quality Bureau's web site. The regulation dealing with public participation in the permit review process is 20.2.72.206 NMAC. This regulation can be found in the "Permits" section of this web site.